



# TEXAS JUVENILE JUSTICE DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

## Response to the Independent Ombudsman Third Quarter Report, FY 2018 June 25, 2018

The Texas Juvenile Justice Department (TJJD) has received the FY 2018 Third Quarter Report from the Office of the Independent Ombudsman (OIO), and appreciates the opportunity to respond.

TJJD is heartbroken over the loss of a youth's life at the Evins Regional Juvenile Center. The TJJD Office of Inspector General (OIG) conducted a thorough investigation of the circumstances, and the knowledge gained will be of critical importance for future care.

Regarding population levels, a proactive case review has helped to ensure the release or discharge of youth who no longer find their most appropriate placement in an institutional setting. Through this ongoing effort, public safety and treatment needs remain at the forefront. This triage activity has resulted in historic low populations, and has significantly decreased use of force incidents, restraints, and assaults against youth and staff. While the parole population increased after December 2017, it has decreased since March 2018 and is currently below its budgeted target population.

The OIO's report of a 67.6% decrease in complaints compared to 3<sup>rd</sup> quarter FY 2017 shows additional benefits of population management. Of the twelve complaints received during this quarter, five originated from the OIO rather than youth or families. Areas with the most improvement were safety (1 complaint this quarter vs. 7 complaints in 3<sup>rd</sup> quarter, FY 2017) and specialized treatment (1 complaint this quarter vs. 6 complaints in 3<sup>rd</sup> quarter, FY 2017). Of the nine cases closed this quarter, only one complaint was sustained, compared to six cases in 3<sup>rd</sup> quarter, FY 2017.

Five of the twelve complaints during 3<sup>rd</sup> quarter FY 2017 related to due process in Level II hearings. Focus groups with case managers conducted in spring 2018 indicated Level II hearings require significant time from case managers that might otherwise be spent with youth and their treatment issues. Through the 3<sup>rd</sup> quarter of FY 2018, 66% of Level II hearings resulted in sanctions solely limited to suspension of privileges for 30 days—a sanction unrelated to basic youth rights.

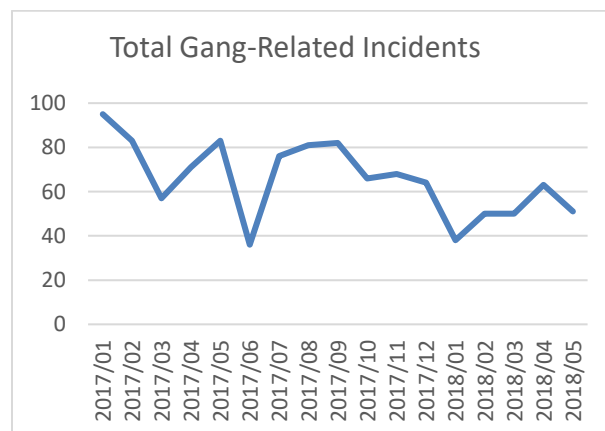
The intent behind long-standing due process requirements sought to ensure both fairness and the perception of fairness from the youths' perspective. TJJD will explore alternative mechanisms to

ensure due process by reviewing National Research Council recommendations related to age-appropriate opportunities for youths' participating and practicing decision-making.

Accordingly, TJJD will create a cross-functional work group of Department staff to review and redesign the Level II hearing process as appropriate. The focus of this work group is to identify ways to:

1. Reduce the volume of Level II hearings so that case managers have more time with youth on their caseloads;
2. Improve consistency of circumstances that result in Level II hearings;
3. Review the impact of a youth's loss of privileges on his or her length of stay and make appropriate recommendations to limit undue impact; and
4. Review training requirements for participation in Level II hearings and make appropriate recommendations to ensure meaningful experiences for youth who require such hearings.

TJJD will continue to monitor any potential gang activity. OIG reports the current percent of gang-affiliated youth as 10%, a lower percentage than in recent years. The graph below shows a downward trend of gang-related incidents and an overall decrease from gang-related incidents from 3<sup>rd</sup> quarter FY 2017. The prospect of familial ties between Texas based gangs and Mexican drug cartels significantly affecting TJJD facilities is worthy of further exploration.



TJJD State Programs division moved full-time equivalent positions to the OIG in FY 2014 for Security Intelligence Officer positions to assist with gang intelligence. Recently, TJJD has shifted responsibility for gate operations at each state secure facility to the OIG so the certified law enforcement officers and security personnel are in charge of perimeter security. The Agency is committed to halt the flow of contraband into facilities as well as the recruitment of new gang members from within the facilities. TJJD will implement additional practices to screen youth mail while simultaneously supporting legal protections afforded to juvenile offenders.

TJJD appreciates the opportunity to respond to this OIO Report and the Agency looks forward to sharing updates on efforts that continually move the agency forward.